



Chuck Wexler
Executive Director

April 7, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: RM-10865/DA No. 04-700 –
Comments on the CALEA Petition for Rulemaking

Dear Secretary Dortch:

The Police Executive Research Forum (PERF) submits these comments on the U.S. Department of Justice's (DOJ), Federal Bureau of Investigation's (FBI), and U.S. Drug Enforcement Administration's (DEA) Joint Petition (Petition) filed on March 10, 2004, before the Federal Communications Commission (FCC) requesting that the FCC resolve, on an expedited basis, various critically important issues arising from the implementation of the Communications Assistance for Law Enforcement Act (CALEA).

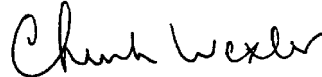
It is vitally important, and consistent with Congress' intent in enacting CALEA, that the FCC initiate a rulemaking proceeding and adopt the rules proposed by the DOJ, FBI, and DEA in their Petition. Congress enacted CALEA in 1994 to ensure that law enforcement would have the ability to conduct authorized wiretaps that would keep pace with new technologies. Since 1994, many new communications technologies have emerged, including broadband Internet access, voice over IP telephony (VoIP), push-to-talk digital dispatch services, and other packet mode services. These services, currently used by millions of individuals across the nation, pose a great challenge to state and local law enforcement. Many of the service providers have failed to voluntarily adopt currently available CALEA intercept solutions. This hampers law enforcement attempts to implement lawfully authorized surveillance intercepts. Voluntary industry compliance with CALEA is not a feasible option.

Furthermore, state and local law enforcement do not have the financial or personnel resources to develop costly *ad hoc* surveillance solutions for each new communications service. Nor should they have to under current law. For all equipment, services and facilities deployed after January 1, 1995, Congress, through

CALEA, expressly passed the burden of designing and paying for such surveillance solutions to the telecommunications carriers.

The Police Executive Research Forum is a national organization of police executive professionals who collectively serve more than 50 percent of the country's population. They urge you to acknowledge the need to promptly act upon the Petition and commence a rulemaking proceeding adopting the DOJ's, DEA's, and FBI's proposals.

Respectfully submitted,

A handwritten signature in black ink that reads "Chuck Wexler". The signature is fluid and cursive, with the first name "Chuck" being more prominent than the last name "Wexler".

Chuck Wexler
Executive Director
Police Executive Research Forum